

1. Newly submitted claims 39-44 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application was filed under 35 U.S.C. 371, and by preliminary amendment filed March 10, 2005 included claims 19-38 which were examined on the merits; see the Office Action mailed October 31, 2007. The invention defined in those claims included the special technical features of melting and directionally solidifying layers of a starting material, determining a crystalline structure for a three-dimensional molded body, and compacting the layers in combination with epitaxial growth. In the response filed January 30, 2008, Applicant canceled claims 19-38 and presented new claims 39-44, which do not include any of those special technical features.

Since applicant has received an action on the merits for the originally presented invention (prior claims 19-38), this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-44 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The amendment filed on January 30, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the reasons stated above. Had prior claims 19-38 and present claims 39-44 been presented together in the application, these two sets of claims would have been held to be directed to independent and distinct inventions, i.e. they would lack unity of invention under 37 CFR 1.475.

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Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Wyszomierski whose telephone number is (571) 272-1252. The examiner can normally be reached on Monday thru Friday from 8:00 a.m. to 4:30 p.m. Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on (571) 272-1244. All patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George Wyszomierski/  
Primary Examiner  
Art Unit 1793

GPW  
April 25, 2008